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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,668

03/11/2004

Hans-Jurgen Kroner

P04,0034

6280

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7590

01/12/2005

SCHIFF HARDIN, LLP  
PATENT DEPARTMENT  
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EXAMINER

SONG, HOON K

ART UNIT

PAPER NUMBER

2882

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/798,668	KRONER ET AL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hoon Song	2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9 and 14-17 is/are rejected.
- 7) ☒ Claim(s) 3 and 10-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/13/2004</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 6, 10, 14 and 16 are objected to because of the following informalities:

Regarding claim 6 on line 2-3, "the patient support board" lacks proper antecedent basis.

Regarding claim 10 on line 2-3, "the patient support table" lacks proper antecedent basis.

Regarding claim 14 on line 2, "the contact region" lacks proper antecedent basis.

Regarding claim 16 on line 2, "the contact region" lacks proper antecedent basis.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 4, the phrase "preferably" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Braden et al. (US 4131802).

Regarding claim 1, Braden teaches a tomography imaging system comprising an acquisition unit (10),

a patient positioning table (18) with a horizontally movable patient board (22), which patient board (22) can be slid through a scan region (26) of the acquisition unit (10) for examination, and

a first support device (20) being arranged with regard to the patient positioning table (18), said support device (20) supporting the patient board (22) upon passing through the scan region (26), said first support device being directly attached (28) to the acquisition unit (10) (figure 2).

Regarding claim 2, Braden teaches the first support device (20) is implemented (41) so that it can be extended.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hounsfield (US 4177382).

Regarding claim 1, Hounsfield teaches a tomography imaging system comprising an acquisition unit (1),

a patient positioning table (4) with a horizontally movable patient board (7), which patient board (7) can be slid through a scan region of the acquisition unit (1) for examination, and

a first support device (3) being arranged with regard to the patient positioning table (4), said support device (3) supporting the patient board (7) upon passing through the scan region, said first support device being directly attached to the acquisition unit (1) (figure 1a).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braden.

Regarding claims 14 and 17, Braden teaches that the support device having linear bearing but fails to teach that the linear bearing comprises dampening elements.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the linear bearing of Braden with dampening material since the dampening material would protect the contact components between the support device and the patient support board from contract force.

Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braden in view of Plewes et al. (US 6459923B1).

Regarding claim 15, Braden teaches a linear bearing but fails to teach the support device has a rotary member for engaging a contact region of the patient board.

Plewes teaches a support device (30) has a rotary member (58) for engaging a contact region of the patient board (50) (figure 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the patient support of Braden with the rotary member as taught by Plewes, since the rotary member provide sliding movement of the patient board while preventing off-rail of the patient board.

Regarding claim 16, Braden teaches a linear bearing but fails to teach a runner and complementary rotary members being mounted on the patient board to engage the runner.

Plewes teaches a runner (6) and complementary rotary members (58) being mounted on the patient board (50) to engage the runner (figure 6 or 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the patient support of Braden with the runner and rotary member as taught by Plewes, since the runner and rotary would provide sliding movement of the patient board while preventing off-rail of the patient board.

#### ***Allowable Subject Matter***

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 3, the prior art fails to teach a tomography imaging system having control means to regulate a support device, directly attached to an acquisition unit, to keep a patient board in a horizontal position as claimed in dependent claim 3.

Regarding claims 10-13, the prior art teaches a second support device can be extended in a horizontal direction (16 of Hounsfield) but fails to teach that the second support device is mounted on the patient positioning table as claimed in dependent claim 10.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoon Song whose telephone number is (571) 272-2494. The examiner can normally be reached on 8:30 AM - 5 PM, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on (571) 272 - 2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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EDWARD J. GLICK  
SUPERVISORY PATENT EXAMINER